

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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C. ROBERT ALLEN, III by LUKE ALLEN, as Guardian for the
Property Management of C. Robert Allen, III,

Plaintiff,

- against -

CHRISTOPHER DEVINE, LAKESHORE MEDIA, LLC,
MILLCREEK BROADCASTING LLC, COLLEGE CREEK
MEDIA LLC, MARATHON MEDIA GROUP, LLC, 3 POINT
MEDIA - SALT LAKE CITY, LLC, 3 POINT MEDIA DELTA,
LLC, 3 POINT MEDIA - UTAH, LLC; 3 POINT MEDIA -
FRANKLIN, LLC, 3 POINT MEDIA - PRESCOTT VALLEY,
LLC, 3 POINT MEDIA - COALVILLE, LLC, 3 POINT MEDIA
- ARIZONA, LLC, 3 POINT MEDIA - FLORIDA, LLC, 3
POINT MEDIA - KANSAS, LLC, 3 POINT MEDIA - OGDEN,
LLC, 3 POINT MEDIA - SAN FRANCISCO, LLC,
MIDVALLEY RADIO PARTNERS, LLC, D&B TOWERS
LLC, SUPERIOR BROADCASTING OF NEVADA, LLC,
SUPERIOR BROADCASTING OF DENVER, LLC,
WACKENBURG ASSOCIATES, LLC, PORTLAND
BROADCASTING LLC, DESERT SKY MEDIA LLC, SKY
MEDIA LLC, DEVINE RACING MANAGEMENT, LLC, ACB
CONSULTING CO., and John Does 1-50,

Case No.: 09-CV-0668
(ADS) (ETB)

**STIPULATION AND
[PROPOSED] ORDER**

Defendants.

-----X
CHRISTOPHER DEVINE, LAKESHORE MEDIA, LLC,
MILLCREEK BROADCASTING LLC, COLLEGE CREEK
MEDIA LLC, MARATHON MEDIA GROUP, LLC, 3 POINT
MEDIA - SALT LAKE CITY, LLC, 3 POINT MEDIA DELTA,
LLC, 3 POINT MEDIA - UTAH, LLC; 3 POINT MEDIA -
FRANKLIN, LLC, 3 POINT MEDIA - PRESCOTT VALLEY,
LLC, 3 POINT MEDIA - COALVILLE, LLC, 3 POINT MEDIA
- ARIZONA, LLC, 3 POINT MEDIA - FLORIDA, LLC, 3
POINT MEDIA - KANSAS, LLC, 3 POINT MEDIA - OGDEN,
LLC, 3 POINT MEDIA - SAN FRANCISCO, LLC,
MIDVALLEY RADIO PARTNERS, LLC, SUPERIOR
BROADCASTING OF NEVADA, LLC, SUPERIOR
BROADCASTING OF DENVER, LLC, WACKENBURG

ASSOCIATES, LLC, PORTLAND BROADCASTING LLC,
DESERT SKY MEDIA LLC, SKY MEDIA LLC, and ACB
CONSULTING CO.,

Third-Party Plaintiffs,

- against -

LUKE ALLEN,

Third-Party Defendant.

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IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel
for the parties in the above-captioned action that the following scheduling dates shall apply herein:

August 1, 2011: All fact discovery to be concluded.

November 1, 2011: All expert discovery to be concluded.

January 20, 2012: Any party planning on making a dispositive motion must take the first step in the motion process by this date or risk forfeiting the right to make such a motion. Parties are directed to consult the district judge's individual rules regarding such motion practice.

February 7, 2012: Final conference before the undersigned at 12:00 noon *By phone*. Meaningful settlement discussions will occur at the conference. Clients or other persons with full settlement authority must be available by telephone. Parties are to electronically file a joint proposed pretrial order in compliance with the district judge's individual rules, signed by counsel for each party, prior to the conference.

IT IS HEREBY FURTHER STIPULATED AND AGREED, that this Stipulation and Proposed Order may be signed in counterparts.

IT IS HEREBY FURTHER STIPULATED AND AGREED, that for the purposes of this Stipulation and Proposed Order, faxed and electronically transmitted signatures will be deemed original.

Dated: February __, 2011

COHEN & GRESSER LLP

*Attorneys for C. ROBERT ALLEN, III, by
LUKE ALLEN, as Guardian for
the Property Management of C. Robert Allen,
III*

By: *Alexandra Sarah Wald / HBS*
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Dated: February __, 2011

PECKAR & ABRAMSON, P.C.

*Attorneys for Christopher Devine, Lakeshore
Media, LLC, Millcreek Broadcasting LLC,
College Creek Media LLC, Marathon Media
Group, LLC, 3 Point Media - Salt Lake City,
LLC, 3 Point Media Delta, LLC, 3 Point
Media - Utah, LLC, 3 Point Media - Franklin,
LLC, 3 Point Media - Prescott Valley, LLC, 3
Point Media - Coalville, LLC, 3 Point Media
- Arizona, LLC, 3 Point Media - Florida,
LLC, 3 Point Media - Kansas, LLC, 3 Point
Media - Ogden, LLC, 3 Point Media - San
Francisco, LLC, Midvalley Radio Partners,
LLC, Superior Broadcasting of Nevada, LLC,
Superior Broadcasting of Denver, LLC,
Wackenburg Associates, LLC, Portland
Broadcasting LLC, Desert Sky Media LLC,
Sky Media LLC, and ACB Consulting Co.*

By: *Daniel E. Budorick*
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312-881-6300; Fax: 312-435-2482

Dated: February __, 2011

CALLISTER NEBEKER & MCCULLOUGH
Attorneys for D&B Towers LLC

By: _____
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10 East South Temple, Suite 900
Salt Lake City, UT 84133
801-530-7300; Fax: 801-364-9127

2/24/11
SO ORDERED:

E. Thomas Boyle
E. THOMAS BOYLE
United States Magistrate Judge

Dated: February 4, 2011

By: 

Nicholas Fortuna (NF-9191)
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SO ORDERED:


E. THOMAS BOYLE
United States Magistrate Judge

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MCCULLOUGH
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